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EXAMINER
BLACKWELL, JAMES H

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 March 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _39-49 and 51-69_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _39-49 and 51-69_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _05 February 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This Office Action is in response to an amendment and Interview Summary filed

02/18/2008.

Claims 39-49, and 51-69 are pending.

Claim 50 has been cancelled.

Claims 39, 49, 57, 60, 68, and 69 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 39-48, and 68 are rejected under 35 U.S.C. 102(a) as being anticipated

by Applicant's admitted prior art (hereinafter, "Admission").

Claim 39:

Admission discloses *an apparatus* (see Specification - Page 3, Lines 25-27 →

Admission discloses this limitation in that it identifies the HP Photosmart 7960 photo

printer) *comprising:*

- *a rendering engine for printing images onto a medium* (The examiner takes

  Official Notice that the HP Photosmart 7960 photo printer can print images onto

  a medium);

- *an input port for receiving raw image data including binary image data for a plurality of images* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer has at least one memory card slot)*; and*

- *a print preview projection mechanism for converting the received binary image data into corresponding displayable image data for the plurality of images and for projecting the displayable image data for viewing by a user* (see Specification - Page 3, Lines 25-27 → Admission discloses this limitation in that the HP Photosmart 7960 photo printer includes a 2.5-inch color LCD that is integrated with the printer), *the print preview projection mechanism including:*

  - *an image editor to receive raw image data and user input and, based thereon, to generate a composite image file for the plurality of images* (**EXAMINER'S INTERPRETATION**: The examiner interprets the recited *"composite image file"* to be multiple images printed onto a sheet of paper or multiple images saved into an electronic folder. The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer allows the user to print multiple images onto a sheet of paper and save multiple images into an electronic folder. Also, the examiner takes **Official Notice** that the HP Photosmart 7960 photo printer allows the user to edit images.)*; and*

  - *a projection mechanism responsive to user input to project a preview image onto a surface based on one of the raw image data and the composite image file* (see Specification - Page 3, Lines 25-27 →

Admission discloses this limitation in that the HP Photosmart 7960 photo

printer includes a 2.5-inch color LCD that is integrated with the printer).

Claim 40:

- *the print preview projection mechanism provides the user with a preview of one or more images to be printed of the plurality of images defined by the binary image data prior to printing of the images* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer contains a preview display onto which binary images to be printed are projected).

- *wherein the print preview projection mechanism includes a display format mechanism for converting the received binary image data for the plurality of images into the corresponding displayable image data for the plurality of images* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer converts received binary image data to a displayable form for projection onto the preview screen).

Claim 41:

- *the projection mechanism comprises a light source and optics to project the displayable image data for the preview image onto a two-dimensional surface* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer has a screen containing a two-dimensional surface that makes use of light and optics to project a preview image onto the two-dimensional screen).

- *wherein the projected preview image is a two-dimensional image* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer produces two-dimensional images for projection onto a two-dimensional surface that is a screen).

Claim 42:

- *the projection mechanism comprises a light source and optics to project the displayable image data for the plurality of images preview image into a three-dimensional space* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer has a screen containing a three-dimensional surface (the z-dimension being the thickness of the screen) that makes use of light and optics to project a preview image onto the two-dimensional screen)

- *wherein the projected preview image is one of a two-dimensional image and a three-dimensional image* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer produces two-dimensional images for projection onto a two-dimensional surface that is a screen).

Claim 43:

- *the image editor manipulation application supports one of the user interface functions selected from the group consisting of: editing operations, compositing operations, image processing operations, delete operations and add operations and other image modification operations* (The examiner takes **Official Notice**

that the HP Photosmart 7960 photo printer is capable of displaying images

projected onto a screen that can at least be edited, and can take multiple images

and generate a composite image comprising multiple images (e.g., proof sheet)).

Claim 44:

- *the input port comprises one of a connection port, a media reader slot, and a receiver* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer has at least one memory card slot).

Claim 45:

- *the apparatus communicates with an image source through a communication link; and wherein the image source provides the image data* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer has at least one USB port to allow a user to plug-in a digital camera (image source) to the printer).

- *wherein the image source comprises one of a storage media, an image capture device, a digital camera, a personal communication device, a cellular telephone, a personal digital assistant, and other device external to the image rendering apparatus* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer has at least one memory card slot and at least one USB port to allow image sources (i.e., memory card, digital camera) to be connected and to provide images).

- *wherein the communication link comprises one of a wireless link, a wired link, a USB cable, and a channel data* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer has at least one USB port to allow a user to plug-in a digital camera (image source) to the printer).

Claim 46:

- *the image data for the plurality of images comprises one of text data, a digital picture data, graphic data, drawing data and images data* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer handles at least digital picture data and images data).

Claim 47:

- *the apparatus comprises one of a printer, a facsimile machine, and an all-in-one office machine data* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer is a printer).

Claim 48:

- *a plurality of switches for use by a user to control print preview functions and image editing functions; wherein each switch, when activated by the user, generates a signal representing user input; and wherein the signal is provided to the print preview projection mechanism data* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer contains a number of controls

comprising buttons with which a user can operate the printer as well as interact
with the projection mechanism).

Claim 68:

- *An image rendering apparatus* (see Specification - Page 3, Lines 25-27 →
  Admission discloses this limitation in that it identifies the HP Photosmart 7960
  photo printer) *comprising:*
  - *an input port configured to engage an external data source and to receive
    from the external data source binary image data defining a plurality of
    images to be printed* (The examiner takes **Official Notice** that the HP
    Photosmart 7960 photo printer has at least one memory card slot)
  - *a print preview projection mechanism coupled to the input port and
    configured to convert the received binary image data to displayable image
    data* (see Specification - Page 3, Lines 25-27 → Admission discloses this
    limitation in that the HP Photosmart 7960 photo printer includes a 2.5-inch
    color LCD that is integrated with the printer).
  - *including an image editor to receive as raw image data the received
    binary image data defining the plurality of images and produce edited
    image data in response to user editing input signals, the image editor
    including a multiple image manipulation module to receive the raw image
    data, the edited image data and user input and, based thereon, to
    generate a composite image file including the edited image data*

(**EXAMINER'S INTERPRETATION**: The examiner interprets the recited "*composite image file*" to be multiple images printed onto a sheet of paper or multiple images saved into an electronic folder. The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer allows the user to print multiple images onto a sheet of paper and save multiple images into an electronic folder. Also, the examiner takes **Official Notice** that the HP Photosmart 7960 photo printer allows the user to edit images.)

o *a displayable data generator to receive the raw image data and to generate displayable raw image data from the raw image data and to receive the edited image data and to produce displayable edited image data from the edited image data* (The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer converts received binary image data to a displayable form for projection onto the preview screen for editing, compositing, and printing).

o *a projection mechanism responsive to one of the displayable raw image data and the displayable edited image data to project an image defined by the displayable raw image data or the displayable edited image data onto a surface for viewing by a user* (see Specification - Page 3, Lines 25-27 → Admission discloses this limitation in that the HP Photosmart 7960 photo printer includes a 2.5-inch color LCD that is integrated with the printer).

- o *a rendering engine coupled with the image editor to print the image onto a medium using the edited image data* The examiner takes **Official Notice** that the HP Photosmart 7960 photo printer contains a number of controls comprising buttons with which a user can operate the printer as well as the projection mechanism to interact and manipulate images prior to printing them and then printing them to the printer).

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 49, 51-67, and 69 are rejected under 35 U.S.C. 102(e) as being anticipated by Cruikshank et al. (hereinafter Cruikshank, U.S. Patent Application Publication No. 2004/0090468 A1 filed 11/04/2003, published 05/13/2004).

In regard to independent Claim 49, Cruikshank discloses:

- *A method for rendering a composite image* (Abstract → a kiosk allowing users to create posters from supplied or provided content including images), *the method comprising:*

  - o *receiving binary image data from an external data source, the binary image data defining one or more images to be viewed or printed* (Pg. 2, Paragraphs [0030-0032] → various user input means are provided for the user to input binary data (scanner, DVD/CD ROM, digital media cards)).

- o *receiving first user input information selecting a page layout for multiple images* (Pgs. 3-4, Paragraphs [0041-0042] → a number of templates for laying out the user and/or supplied images are provided and the user selects one).

- o *receiving second user input information selecting images from the one or more images to be viewed or printed, the selected images to be arranged according to the selected page layout* (Pgs. 3-4, Paragraphs [0041-0042] → template is chosen and images are placed within template by the user).

- o *manipulating the binary image data to produce edited image data in response to the received first and second user input information* (Pg. 4, Paragraph [0042] → upon placing a selected image (previously imported and stored in the memory of the workstation) at the desired location within the selected template, the user is prompted to edit the placed image. The user may zoom, crop, move and rotate the placed image).

- o *converting the received binary image data and the edited image data for the selected images into corresponding displayable image data and displayable edited image, data respectively* (Pg. 4, Paragraph [0042] → a user can select their images or provided images from thumbnail renderings of those images. In addition, a preview of the created poster containing user images and other user-inputted content is rendered and previewed on the display screen). It is noted that a user does not need to perform any editing of a "raw" image. Thus, a poster template may contain

both edited and non-edited images and both are displayable in the

generated preview.

o *using the displayable edited image data to produce a composite image for*

viewing by a user (Pgs. 3-4, Paragraphs [0041-0042] → thumbnail

versions of images are placed into the chosen template spaces provided

for images).

o *using the received binary image data to print the one or more images to a*

medium, or using the edited image data to print the composite image onto

a medium (Pg. 4, Paragraph [0042] → a preview of the rendered poster is

provided to the user to check prior to sending the poster to a color printer

for rendering to a medium).

In regard to dependent Claim 51, Cruikshank discloses:

• *manipulating the binary image data comprises editing operations, compositing*

operations, image processing operations, deleting operations and adding

operations (Pg. 4, Paragraph [0042] → images selected for the poster can be

zoomed, cropped, rotated or otherwise manipulated to conform to a chosen

template as the poster is being assembled by the user).

In regard to dependent Claim 52, Cruikshank discloses:

- *receiving the binary image data comprises receiving the binary image data*

  through a communication link (Pg. 2, Paragraph [0031] → image input devices

  are connected to the kiosk computer via USB network links).

In regard to dependent Claim 53, <u>Cruikshank</u> discloses:

- *receiving the binary image data through a communication link comprises*

  - *receiving the binary image data from one of a storage media, an image*

    capture device, a digital camera, a personal communication device, a

    cellular telephone and a personal digital assistant (Pg. 2, Paragraphs

    [0030-0032] → the user can input their images into the kiosk system

    through the use of a scanner, DVD/CD ROM, media card readers, etc.).

In regard to dependent Claim 54, <u>Cruikshank</u> discloses:

- *receiving the binary image data through a communication link comprises*

  - *receiving the binary image data over one of a wireless link, a wired link*

    and a USB cable (Pg. 2, Paragraph [0031] → image input devices are

    connected to the kiosk computer via USB network links).

In regard to dependent Claim 55, <u>Cruikshank</u> discloses:

- *receiving the binary image data through a communication link comprises*

  - *receiving one or more of text data, digital picture data, graphic data,*

    drawing data and images (at least Pg. 2, Paragraph [0030] → user can

input their images through a number of input devices such as scanners,

various media drives).

In regard to dependent Claim 56, <u>Cruikshank</u> discloses:

- *detecting actuation of one or more switches by the user; and based on the*

  detected actuation, generating a signal representing the received first and

  second user input information; and in response to the signal, controlling one or

  more of selecting the page layout, selecting the images, producing the composite

  image for viewing by the user, and printing the composite image onto the

  medium (Pgs. 3-4, Paragraphs [0041-0042], Figs 3A-B → user can utilize a

  number of controls (e.g., touch screen buttons) to select templates, to place their

  photos and/or text into the template, to modify the images to best fit the template,

  and to invoke the preview and eventual printing of the created poster).

In regard to Claim 57, Claim 57 merely recited an apparatus for carrying out the

method of Claim 49. Thus, <u>Cruikshank</u> discloses every limitation of Claim 57, as

indicated in the above rejection for Claim 49.

In regard to dependent Claim 58, <u>Cruikshank</u> discloses:

- *the means for receiving binary image data comprises one or more of a media*

  reader, a connection port for coupling to a cable, and a transceiver (Pg. 2,

  Paragraphs [0030-0032] → the user can input their images into the kiosk system

through the use of a scanner, DVD/CD ROM, media card readers, etc. which are

connected to the kiosk computer via USB cables).

In regard to dependent Claim 59, Cruikshank discloses:

- *the means for converting the received binary image data comprises a multiple*

  image manipulation module to manipulate the received binary image data and,

  based on the received first and second user input information, to generating a

  composite image file (Pgs. 3-4, Paragraphs [0041-0042], Figs 3A-B → user can

  utilize a number of controls (e.g., touch screen buttons) to select templates, to

  place their photos and/or text into the template, to modify the images to best fit

  the template, and to invoke the preview and eventual printing of the created

  poster).

In regard to Claims 60-67, Claims 60-67 merely recite a computer-readable

medium for storing a program for carrying out the method of Claims 49-56,

respectively. Thus, Cruikshank discloses every limitation of Claims 60-67, as

indicated in the above rejections for Claims 49-56.

In regard to independent Claim 69, Cruikshank discloses:

- *A method for printing data which defines multiple images* (Abstract → a kiosk

  allowing users to create posters from supplied or provided content including

  images), *the method comprising:*

- o *receiving binary image data from an external data source, the binary image data defining one or more images to be viewed or printed* (Pg. 2, Paragraphs [0030-0032] → various user input means are provided for the user to input binary data (scanner, DVD/CD ROM, digital media cards)).

- o *prompting a user to select a page format or page layout* (Pgs. 3-4, Paragraphs [0041-0042] → a number of templates for laying out the user and/or supplied images are provided and the user selects one).

- o *prompting a user to place an image in a place holder of the selected page format or page layout* (Pgs. 3-4, Paragraphs [0041-0042] → template is chosen and images are placed within template by the user).

- o *if an edit command has been received from the user, performing one or more edit operations specified by the edit command on the received binary image data to produce edited image data* (Pg. 4, Paragraph [0042], Fig. 3B step 350 → user is prompted to edit placed image).

- o *otherwise, determining if another image is to be added to the selected page format or page layout* (Fig. 3B, step 348 → system loops for all images needed by the template).

- o *if another image is to be added, retrieving binary image data for the other image* (Fig. 3A, step 328-246 → additional images are retrieved).

- o *retrieving binary image data to fill other place holders of the selected page format or page layout* (Fig. 3B, step 348 → additional images are retrieved and placed into template)*.

- *printing the one or more images onto a medium using the received binary image data* (Fig. 3B, steps 360-368 → customer pays for poster containing the one or more images (may be edited, unedited or a combination) and poster is printed)*;*

- *using the edited image data and the retrieved binary image data, printing the selected page format or page layout including the multiple images onto a medium* (Fig. 3B, steps 360-368 → customer pays for poster and poster is printed).

Response to Arguments

Applicant's arguments with respect to claims 39-48, and 68 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that neither Nitta nor Cruikshank, taken alone or in combination, discloses all the features of the presently claimed invention. Specifically, that the prior art fails to disclose the notion, as recited in the independent claims, as amended, of a method and apparatus that employs <u>two data paths</u> *or* <u>two types of data</u> for <u>projecting</u> a preview image *or* <u>printing</u> an image. The two data paths according to the Applicant are (1) a raw image received from an input port of the device (e.g., an image from a digital camera or memory card), or (2) a composite image file which is produced by an image editor based on the raw image data. In other words, either an image is received and

goes directly to printer or projector, or is received as in (1) and first edited into a

composite image (e.g., proof sheet) and then either projected or printed.

It is noted that a "composite image" comprises multiple images perhaps arranged

in a layout that projects/prints as a single page.

The two data types are (1) raw data and (2) edited data consisting of a composite

image file.

Applicant argues that neither Nitta nor Cruikshank discloses or suggests two data

paths or data types.

The Examiner disagrees.

Regarding claims 49-67, and 69 Cruikshank discloses a kiosk device that allows

receiving, viewing, editing and printing of multiple images as part of a poster. Raw

images are received in several ways (see Fig. 2, items 26, 34, 36) and can be selected

to create a poster comprising one or more images. The user has the option of editing

each of the images (see Fig. 40) or not and generating a poster that can then be

printed.

Thus, Cruikshank discloses two data paths: received images can either be

edited, and printed, or directly printed (i.e. not edited).

Cruikshank also discloses two types of data: raw and edited where a composite

can be generated containing both edited and unedited data, previewed and printed.

The remainder of the arguments are directed to the combination of Nitta with

Cruikshank and Applicant argues that neither Nitta nor Cruikshank disclose devices that

are "self contained." In other words, both prior art inventions include multiple separate

components (e.g., computer, monitor, projector, printer) as opposed to a single unit

(e.g., printer, projector) that can perform the invention without the other components.

The Examiner argues that this notion is not adequately expressed in claims 49-

67 and 69 as currently amended.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James H. Blackwell whose telephone number is

(571)272-4089. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell
05/07/2008

/Doug Hutton/
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